

Minutes for Zoning Board of Adjustment July 27, 2006 – 7:00 P.M.

Roll Call

Present for the hearing were Chairman Landers, Martin (alternate), Hoffman, Donohue, and Aseltine. Michele Braun was present as the Clerk. Public present were Jonathan Ripley and Aaron Lamb.

Approval of Minutes

A motion to approve the minutes as presented for the May 25, 2006 Hearing was made by Martin and seconded by Aseltine. **The motion passed 4-0-1.** (Donohue abstained because he was not present at the May 25 meeting.)

The Hearing was begun at 7:09 PM.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be “Interested Persons” to the appellant. “Interested Persons” are owners of property abutting that of the appellant.
4. All testimony by “Interested Persons” and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include “Findings of Facts”.

Hearing 060727: Jon & Crystal Ripley, 644 VT Rte 12 North

Mr. and Mrs. Ripley are appealing a Notice of Violation issued by the Zoning Administrator under Section 204, and are requesting a Variance under Section 605 to have three Dwelling Units on a lot of less than the minimum size.

Landers reviewed the facts of the matter. The minimum lot size per dwelling unit under Section 605 that is pertinent to the Ripley property is 0.50 acres. The Ripley property consists of approximately 0.54 acres; therefore, the maximum number of dwelling units permitted is one. When the Ripleys purchased the property, it consisted of a single-family home and detached garage. They received a permit from the Town of Northfield’s Zoning Administrator in 1987 to create an apartment above the garage. As the lot size requirement in 1987 was the same as the current requirement, this permit was not correctly issued. More than fifteen years have passed, so that permit stands. Under Section 605, Multi-family dwellings are a Conditional Use, and therefore would require Zoning Board of Adjustment approval.

Mr. Ripley and Mr. Lamb stated that the third dwelling unit, the apartment in the back of the house, was created in 1995 for Mr. Lamb. They presented a State of Vermont Department of Environmental Conservation wastewater permit, approving the existing septic systems on the property (there are two systems) as adequate for the existing three dwelling units.

Landers asked that the state wastewater permit be entered as Exhibit A.

Mr. Ripley stated that the state engineers commented that there is also sufficient space for a back-up system in the instance that the current systems fail.

It was determined in the course of discussion that the off-street parking is adequate for three units, the septic is adequate for three units, and the only obstruction to maintaining three units is the dimensional requirement of minimum lot size per dwelling unit.

A motion to approve the Variance from the minimum lot size requirement was made by Donohue and seconded by Aseltine. **The motion passed 5-0-0.**

The hearing was closed at 8:00 PM.

Adjournment:

The motion to adjourn was made by Aseltine; Martin seconded. The motion passed 5-0-0.

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.